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03 JAN 2007

In re Application of :
YOKODATE, Shinya et al. :
Application No.: 10/574,970 : DECISION ON
PCT No.: PCT/JP04/08276 :
Int. Filing Date: 08 June 2004 : REQUEST
Priority Date: None :
Attorney's Docket No.: 288247US2PCT : UNDER 37 CFR 1.42
For: MOBILE DEVICE :

This is a decision on applicants' 07 April 2006, submission of a declaration containing an indication that a joint inventor is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 08 June 2004, applicants filed international application PCT/JP04/08276. A copy of the international application was transmitted to the Office by the International Bureau on 22 December 2005. The deadline for entry into the national stage in the United States was 08 December 2006.

On 07 April 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration lists the inventors and their citizenships and lists the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. As such, the declaration would comply with 37 CFR 1.42 and 1.497(a)-(b), but the declaration contains foreign language text. The declaration is not a USPTO form and is not accompanied by a statement that the English text is an accurate translation of the foreign text. See 37 CFR 1.69. A statement that the English text is an accurate translation of the Japanese or a new declaration is required.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to comply with 37 CFR 1.69 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER

37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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